

## Fresh Coast Planning

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April 17, 2020

Mr. Tim Smit, Chairperson  
Planning Commission  
Georgetown Charter Township  
c/o Mannette Miner  
1515 Baldwin Street  
Jenison, MI 49428

[VIA EMAIL ONLY]

Re: Proposed Text Amendments to the Georgetown Charter Township Zoning Ordinance –  
Section 20.4(V) – Site Design Standards, Kennels and Section 16.2 – Permitted Uses

Dear Chairperson Smit:

On behalf of Leah Swathwood and Captain K9 of 7560 River Avenue, attached is an Application for Rezoning to amend Section 20.4(V) – Site Design Standards, Kennels as well as Section 16.2 – Permitted Uses of the Georgetown Charter Township Zoning Ordinance (GCTZO). Accompanying the application is the draft language we propose to amend said sections. In addition, for your convenience, we have included the existing language preceding the proposed language. The purpose of this proposed amendment is not only to accommodate a future Kennel use at the Captain K9 property but also to modernize the GCTZO language regulating Kennel uses within commercial districts throughout the Township.

### Our Approach

While our firm represents Captain K9 in this effort, our primary clientele are local municipalities. We regularly provide planning and zoning services to numerous townships in West Michigan, seven of which are located within Ottawa County. As a result of this, we emphasized to our client that the proposed language should be appropriate not only for their location, but for future Kennel locations within the Township. As you know, text amendments apply to all properties within a certain zoning district or districts. Given this, the proposed language has been designed on this basis.

### Section 20.4(V) – Site Design Standards, Kennels

#### *Current Language*

As you are aware, except for Kennels located within the Industrial (IND) zoning district, the GCTZO regulates all Kennel uses pursuant to the provisions of Section 20.4(V). Given this, Kennels within the Agricultural (AG), Rural Residential (RR), Neighborhood Service Commercial (NS), Community Service Commercial (CS), and Highway Service Commercial (HS) zoning districts are regulated the same. We understand from Zoning Administrator Miner that the current language has generally existed since at least 1980 within the CS zoning district, which is where Captain K9 is located.

As noted above and as you are further aware, Kennels within the IND zoning district are a use-by-right and are therefore not subject to the provisions of Section 20.4(V). While Kennels within the HS zoning district are also a use-by-right, in accordance with Section 16.2 – Permitted Uses of the GCTZO, they are subject to the design standards provided within Chapter 20 – Special Land Uses of the GCTZO.

## *Proposed Language*

### Separation of Districts

As you will note within the attached draft, we propose separating the AG and RR zoning districts from the commercial zoning districts. We believe the AG and RR zoning districts are distinctly different from the commercial districts for reasons we expect to be self-explanatory. No changes occurred to the current language with our proposed separation of zoning districts for the AG and RR districts except for its structure as a result of the separation of districts. Given this, Kennels located within the AG or RR zoning districts would remain subject to the same language that exists today within the GCTZO.

### Key Modifications

For the remainder of zoning districts (NS, CS, and HS by way of reference within Section 16.2 of the GCTZO) we propose the following. We additionally explain the difference between the existing language and the proposed language, along with our rationale, where appropriate.

1. A minimum lot size of one-half (1/2) acre.
  - The language currently requires a minimum lot size of two (2) acres. While this type of acreage can be common for lots within a rural setting, it is uncommon for a commercial district. The proposed minimum lot size is almost double the minimum lot size in the NS and CS zoning districts, and is approximately 30% larger than the minimum lot size in the HS zoning district. While there are a number of reasons larger lots are commonplace for Kennels in rural settings, such as separation from adjacent dwellings where people sleep, the need for such acreage does not exist in commercial. Most commercial neighbors are absent from their property in the evening and more commonly are absent from their property overnight. As a result, the need for a large lot area is not as relevant in commercial districts.
2. The ratio of animals to acreage has been eliminated.
  - Every Kennel operator is different; from the size and type of animals they house, the duration of stay, the type of interior enclosure, means of soundproofing, to the number of animals. Given this, we believe it is more appropriate for a proposed Kennel to present the details of their business and for the Planning Commission to navigate appropriate conditions on a case-by-case approach, rather than establish the number of animals through a ratio without operational basis.
3. The 100-foot setback has been revised to any Residential District rather than any occupied dwelling or adjacent building used by the public.
  - While dwellings within a commercial district are rare and are not permitted within commercial districts pursuant to the GCTZO, the existing provision seems antiquated and should be modified as we proposed to any Residential District.
4. Require employee oversight of animals outside.
  - This language goes beyond that which is currently required. As a result of our recent text amendment for the same on behalf of our client, Allendale Charter Township, Kennel operators agreed that their attendance was appropriate to control noise, odor, and other attributes of animals when outside. This requirement was accepted for commercial lots and locations with a more rural atmosphere. While it is not proposed within the AG or RR zoning districts in Georgetown Charter Township, we believe constant attendance by an employee will help control impacts from the use within commercial districts.

5. Limit hours of outside activities.
  - All animals, particularly dogs, require exercise and the opportunity to use the “bathroom.” However, the language proposes to limit that opportunity to any 16 hour period, as approved by the Planning Commission, because we recognize that no Kennel needs 24 hours of outdoor access. This 16 hour length of time is particularly necessary during the summer daylight hours.
6. Containment of animals outside shall be by a completely opaque enclosure.
  - To decrease the impacts of a Kennel use in commercial districts, we proposed that any exercise or other outdoor area shall be surrounded by a completely opaque enclosure so that the animals are not visible to adjacent properties and so that the animals cannot see adjacent properties. This will not only be aesthetically beneficial to surrounding properties, but also reduce the habit of unnecessary barking from dogs.
7. Require a greenbelt when an exercise or other outside area is within a required yard.
  - To further the aesthetic benefit to surrounding properties, in the event the completely opaque exercise or other outdoor area for animals is within twenty (20) feet of a lot line, it shall be screened in accordance with your existing greenbelt requirements. Further, in no instance shall the exercise or outdoor area be within ten (10) feet of any property line.
8. Applicants shall provide minimum operation details.
  - Related to number two above, proposed Kennels shall provide detailed information about their business, such as hours of operation, outdoor activity, the size and nature of the operation, the animal capacity, proximity to adjoining properties, expectations for noise and odor, how animals will be managed and the related employees, and means to control sound from within the building and/or site. This minimum amount of operational detail will provide the Planning Commission with necessary information to determine if conditions are appropriate, as we explain in number nine below.
9. The proposed language concludes with an emphasis that all Kennels shall be subject to reasonable conditions imposed by the Planning Commission, and shall comply with all County, State, and Federal regulations.

## **Section 16.2 – Permitted Uses**

### *Current Language*

As noted above, by way of reference, Kennels within the HS district are subject to the design standards within Chapter 20, even though Kennels are a use-by-right in said district.

### *Proposed Language*

Given this reference, we propose separating Kennels from Section 16.2(C) and locating them in a new Section 16.2(D) with reference to Section 20.4(V)(2). The reason for this proposed amendment is to ensure clarity when referencing Section 20.4(V), which we propose to separate into two subsections, as noted above. While we considered revising Section 20.4(V) to simply reference the HS district, we wanted to avoid confusion with an identification of said district within Chapter 20. In other words, we did not want to imply that Kennels within the HS district were only permitted as a special use. Therefore, an amendment to Section 16.2 seemed the most appropriate.

## **Conclusion**

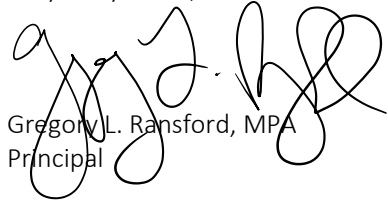
While Kennel operations continue to exist in rural settings, such as the AG and RR zoning districts, their popularity and convenience within commercial district areas are becoming more common. Certainly, it is evident from the existing GCTZO language that Kennels have been identified as appropriate within commercial

districts as a special use, dating as far back as the year 1980. We propose this language as a result of changes within the industry, its clientele, and the Township within the past 40 years.

We believe that through appropriate ordinance provisions such as those we propose, the Township can successfully regulate Kennels within commercial districts, even with a greater number of animals permitted and on lots smaller than that required by the current GCTZO language.

Thank you for your review and consideration of this request. If you have any questions, please do not hesitate to contact us anytime.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Gregory L. Ransford', with a stylized flourish at the end.

Gregory L. Ransford, MPA  
Principal

Attachment

cc: Leah Swathwood, Captain K9

PERMIT NUMBER:

## APPLICATION FOR REZONING

Georgetown Charter Township  
1515 Baldwin St, P.O. Box 769  
Jenison, MI 49429  
616-457-2340

revised: January 26, 2009

### APPLICANT INFORMATION

COMPANY NAME: Captain K9 PHONE: 616 431 1388

APPLICANT NAME: Greg Ransford, Fresh Coast Planning (authorize agent) 616 638 1240

ADDRESS: 950 Taylor Avenue, Ste 200 CITY / STATE / ZIP: Grand Haven, MI 49417

### PROPERTY INFORMATION

COMPANY NAME: Captain K9 PHONE: 616 431 1388

OWNER / AGENT NAME: Leah Swathwood TITLE: Manager

ADDRESS: 7560 River Avenue CITY / STATE / ZIP: Jenison, MI 49428

PARCEL NUMBER: 70-14-13-427-011 ZONING DISTRICT: CS

LEGAL DESCRIPTION: N/A

### PROJECT INFORMATION

PROPOSED USE: Text amendments to Section 20.4(V) AND 16.2

STATE THE REASONS WHY THE CURRENT ZONING OF THIS PROPERTY SHOULD BE CHANGED AND HOW THIS REQUEST MEETS THE STANDARDS FOR REZONING LISTED ON THE ATTACHED SHEET:

N/A - See attached letter regarding text amendments.

### APPLICANT SIGNATURE

IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. BY SIGNING I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

APPLICANT SIGNATURE: Greg Ransford, agent DATE: 4/15/2020

### FOR OFFICE USE ONLY

DATE OF PREAPPLICATION MEETING: DATE OF PLANNING COMMISSION MEETING:

DATE OF TOWNSHIP BOARD MEETING: DATE NOTICE PUBLISHED: DATE PROPERTY NOTICES WERE SENT:

### Current Language

#### Sec. 20.4 – SITE DESIGN STANDARDS

##### (V) Kennels.

- (1) For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
- (2) Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

### Proposed Language

#### Sec. 20.4 – SITE DESIGN STANDARDS

##### (V) Kennels.

- (1) For Kennels located within the AG or RR district:
  - a. The minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
  - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- (2) For Kennels located within the NS or CS district:
  - a. The minimum lot size shall be one-half (1/2) acre.
  - b. Buildings wherein animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any Residential District. Runs and/or exercise areas shall not be located in any required front, required rear, or required side yard setback area.
    - i. Any animal that is exercised outside of the building or other enclosed area must be in an approved exercise area and an employee must be with any such animal at all times while outside the building or other enclosed area.
    - ii. All exercise or other outdoor areas shall only be utilized during a continuous period of time not to exceed sixteen (16) hours, as approved by the Planning Commission.
    - iii. All exercise or other outside areas accessible to an animal shall be enclosed by a fence or other suitable barrier that is completely opaque and to a height that will contain the animals and prevent exit from the Lot or premises.
    - iv. Any exercise or other outside area located within twenty (20) feet of a lot line shall be screened by a greenbelt which meets the minimum standards of Sec. 3.11(A) for the extent of the exercise or other outdoor area. In no instance shall an exercise or other outside area be located less than ten (10) feet from a lot line.
  - c. All Kennels shall provide the following:
    - i. Hours of operation, including outdoor animal activity
    - ii. The size, nature, character, and animal capacity
    - iii. The proximity to adjoining properties
    - iv. The noise, odor, or other disturbances for adjoining properties and the surrounding neighborhood as a result of the operation

- v. Summary of operations and the handling of the animals, including, but not limited to, the number of employees, the number of handlers available to each animal, parking area, signage, and etcetera, any other information that the Planning Commission deems appropriate.
  - vi. Measures to control sound from within the building and/or site
- d. Kennels are subject to reasonable conditions imposed by the Planning Commission to mitigate impacts related to the use to protect the health, safety, and general welfare of the surrounding area.
- e. Kennels shall comply with all applicable County, State, and Federal regulations.

#### **Current Language**

Sec. 16.2 – PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (A) Any permitted use in the CS District.
- (B) Hotels and motels.
- (C) Veterinary/animal hospitals, clinics, and kennels

#### **Proposed Language**

Sec. 16.2 – PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

- (A) Any permitted use in the CS District.
- (B) Hotels and motels.
- (C) Veterinary/animal hospitals and clinics
- (D) Kennels, subject to Sec. 20.4(V)(2)